

REMARKS

In the Official Action mailed on **14 July 2009**, the Examiner reviewed claims 1-33. Examiner rejected claims 1, 7-8, 10, 17-21, 26-29, 30-31, and 33 under 35 U.S.C. § 102(e) based on Fado et al. (U.S. Patent No. 5,943,649, hereinafter “Fado”). Examiner rejected claims 2-4 under 35 U.S.C. § 103(a) based on Fado and Levine (U.S. Patent No. 6,356,084, hereinafter “Levine”). Examiner rejected claim 5 under 35 U.S.C. § 103(a) based on Fado and Arndt et al. (U.S. Patent No. 6,421,448, hereinafter “Arndt”). Examiner rejected claim 6 under 35 U.S.C. § 103(a) based on Fado and Papadopoulos et al. (U.S. Patent No. 6,128,384, hereinafter “Papadopoulos”). Examiner rejected claims 9 and 22 under 35 U.S.C. § 103(a) based on Fado and Chiu et al. (U.S. Patent No. 6,882,577, hereinafter “Chiu”). Examiner rejected claims 11-12, 23-25, and 32 under 35 U.S.C. § 103(a) based on Fado and applicants admitted prior art (hereinafter “AAPA”). Examiner rejected claim 13 under 35 U.S.C. § 103(a) based on Fado, AAPA, and Levine (U.S. Patent No. 6,356,084, hereinafter “Levine”). Examiner rejected claims 14-16 under 35 U.S.C. § 103(a) based on Fado, AAPA, and Southworth et al. (U.S. Patent No. 3,950,607, hereinafter “Southworth”).

Rejections under 35 U.S.C. § 102(e)

Examiner rejected claims 1, 7-8, 10, 17-21, 26-29, 30-31, and 33 under 35 U.S.C. § 102(e) as being anticipated by Fado. In rejecting the independent claims, Examiner avers that Fado discloses:

“a circuit within the microphone (abstract; fig. 1: 16, 48; fig. 7: 142: microphone has circuit within it and the microphone is connected to the computer is able to tell the computer what kind of microphone it is), connected to at least one electrical contact (abstract; fig. 1: 16, 48; fig. 7: 142: microphone has circuit within it and the microphone is connected to the computer is **able to tell the computer what kind of microphone it is**, which **transmits data about the microphone to the external device**

through the at least one electrical contact (abstract, fig. 1: 16,48: information about the microphone (such as if microphone is an electret type) is transmitted to the computer and displayed on the computer monitor)" (see Office Action dated 14 July 2009, page 3, emphasis added).

Applicant respectfully disagrees, because Fado does not disclose in any way that a circuit within a self-identifying microphone **transmits data about the microphone** to an external device through at least one electrical contact.

As was argued in response to the Office Action dated 27 December 2007, Applicant respectfully points out that Fado at most discloses a **user** selecting a microphone from a list of microphones **via a graphical user interface (GUI)**. Specifically, the Abstract of Fado states:

"(b) displaying a at least one graphical user interface (GUI) **prompting a user selection and connection of a microphone** as an audio input device to the at least one sound card; (c) in the event that the **selected** microphone is of an electret type... displaying a second GUI" (see Fado, abstract, emphasis added).

It is clear that **the user is the person selecting the microphone from the GUI, and the computer can only determine that the user selection corresponds to an electret type**. In fact, this is clearly illustrated in FIG. 4 of Fado and described in column 7, lines 33-37. Applicant further points out that in step 16 of FIG. 1, GUI 100 presents a list of possible microphones to a user and **the user selects one of the microphones** from the list (see Fado, column 7, lines 33-37). Since computer system 1 in FIG. 48 executes the process described in FIG. 1 (see Fado FIG. 48, and column 15, lines 43-67), the list of microphones is provided to the user by computer system 1 and *not by the microphone*. Hence, Fado only discloses a computer system which provides a list of microphones for a user to choose from, but **does not disclose a microphone which transmits data about the microphone to an external device** through at least one electrical contact.

In contrast, embodiments of the present invention disclose a self-identifying microphone that **transmits data about itself through an I/O port** (see instant application, page 14, lines 9-10). More specifically, the microphone includes a circuit that identifies the microphone. This circuit transmits data about the microphone to an external device through at least one electrical contact (see instant application, pages 7-8, and page 14, lines 9-10). Unlike the Fado system, the microphone provided by embodiments of the present invention obviates the need for a GUI on a computer system that presents a user with a list of possible microphones to choose from.

Therefore, Applicant respectfully notes that Fado does not anticipate the claimed invention, because Fado **does not disclose a microphone which transmits data about the microphone to an external device** through at least one electrical contact. Applicant respectfully requests that Examiner remove the rejection under 35 U.S.C. § 102(e).

Rejections under 35 U.S.C. § 103(a)

Examiner rejected claims 11-12, 23-25, and 32 under 35 U.S.C. § 103(a) as being unpatentable over Fado in view of AAPA.

Specifically, Examiner avers that:

“Claims 11-12, 23-25, & 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Fado as applied to claim 10 above**, in view of applicants admitted prior art (AAPA, para 0003);” and

“Claim 23 has been analyzed and rejected according to claims 10-11”
(See Office Action dated 14 July 2009, pages 9-10).

Applicant respectfully disagrees to Examiner’s rejection. Examiner has failed to establish a case for obviousness under § 103(a) because Examiner has failed to explain fundamental differences between the cited Fado and AAPA prior art and independent claim 23 in the instant application. Specifically, Examiner has failed to explain how Fado’s disclosure of the above-described graphical user interface

(GUI) and AAPA's disclosure of an external device render obvious the present invention's self identifying microphone which includes a **circuit within the microphone that transmits data about the microphone** to an interface unit.

Applicant respectfully notes that AAPA par. [0003] discloses an external device for increasing the audio fidelity of a microphone signal, which is fundamentally distinct from the self-identifying microphone of the present invention.

Furthermore, the Fado system is limited to a **GUI** on a computer system which provides a list of microphones for a **user** to choose from. Fado and AAPA par. [0003] nowhere disclose a **circuit within a microphone** which **transmits data about the microphone** to an interface unit.

Hence, Applicant respectfully submits that independent claims 1, 10, 19, 23, and 26 are in condition for allowance. Applicant also submits that claims 2-9, which depend upon claim 1, claims 11-18, which depend upon claim 10, claims 20-22, which depend upon claim 19, claim 24-25, which depend upon claim 23, and claims 27-33 which depend upon claim 26, are for the same reasons in condition for allowance and for reasons of the unique combinations recited in such claims.

CONCLUSION

It is submitted that the application is presently in form for allowance.
Such action is respectfully requested.

Respectfully submitted,

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